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SIXTEEN

REASONS

Drawn from the

Law of God,

THE

Law of England,

AND

Right Reason,

TO SHEW

Why diverse true Christians (called
QUAKERS) refuse to Swear at All :

For the satisfaction of all the Upright in
Heart, that the Innocent may not be Con-
demned with the Wicked.

By *John Crook.*

L O N D O N,

Printed for Robert Wilson, at the *Black-spread-
Eagle and Wind-mill in Martins Le Grand.*

REASONS

Law of God

Law of England

Right Reason

Why diverse true Christians (called
QUAKERS) refuse to swear at All :

For the Satisfaction of all the Lighthouse in
Hear that the Quakers may not be Con-
sidered with the World

By the Quakers

Printed at the Quakers Press in the City of London
in the Year 1704

I.
Because Christ Jesus the KING and LAW-GIVER to his people hath said, *Swear not at all*, Mat. 5. And it is left upon record for our practise, and is so sure that no averment lies good against it; which doctrine was practiced before the Apostacy, and promoted by the Apostles in their day, as may be seen, *James* the 5. which may serve for an answer (in this case) unto them that plead for swearing, as Christ said upon another occasion, which was permitted in the old time of the law, but was not so from the beginning; so Christ the Truth redeems his children out of the fall, and all that have come in by it unto himself, who hath commanded his followers *not to swear at all*.

II. Because in the Old time, when swearing was used according to God's command, expressed in the Law of *Moses*, and also instanced by the Apostle *Paul*, who was a Jew and wrote unto the Jews, unto whom he signified in his Epistle, both the end and use of swearing in those times and cases wherein it was used; who knew very well what was *Ceremonial* and *Typical*, and what was *Moral* and *Perpetual*, and therefore mentioneth an Oath in his Epistle aforesaid by way of figure and similitude, which he instanceth in the particular practice of it at that time, saying, *An Oath for confirmation is to them the end of all strife*: and so Christ, Gods Oath and Covenant, (the substance of all shadows and figures) puts an end to all strife and variance between God and that man, which takes hold of Christ, and receives him into the heart by the living faith, whereby he hath strong consolation according to the saying of the Apostle, whose end in mentioning swearing in that 6. of *Heb.* is only by way of allusion and similitude, and proves no more a necessity of the lawfulness or continuance of swearing (because he mentions the word Oath) then men living in strife proves the lawfulness or necessity of the continuance of strife, because in the same place he mentions the word *strife* also; the which, if it should be concluded from his words, would make the Apostle a Transgressor, and guilty of building again the thing that he destroyed in his Epistle, elsewhere, who concluded the *Corinthians* as Carnal, and that not only because they walked as men, (which he blames them for) but also because they lived in strife and envyings, &c. So that all which the forementioned place *Heb. 6.* proves, is, only this, that when an Oath was used in old time amongst the Jews, according to Gods appointment, it was in those cases which would put an end to strife; and so is of authority sufficient to condemn all Oaths now, that are either used where there is no strife at all, or else in those cases wherein Oaths are taken, and the strife not ended, which if observed, the Oath of Obedience cannot justly be required.

III. Because when swearing was in use as aforesaid, we never read in holy writ, that any of the *Kings of Israel* were either made by an oath, or required an oath of those people that were to be subject to them; neither was it required (upon such a penalty as now it is) either by the Common Statute Law of England, untill KING *James* his time, upon occasion of the Gun-powder-Plot; which OATH was made by the PARLIAMENT, as the like

liest expedient (*in that juncture of time*) to prevent like designs, and also to find out the *POPES Alliances and Emissaries* in these Kingdoms; as may be seen both by the *Preambles* to the Statutes, and also by the *substance and contents* of the said Oath; and not at all intending those that are *True Protestants*, who were not tainted with that cursed *Papish Principle* of *breaking faith with an Heretick*, and *deposing excommunicated PRINCES*, as may be seen by the Statute aforesaid, much less those who could not swear at all in conscience to an Oath, because Christ hath forbid it.

IV. Because God commands *Subjection and Obedience* to Magistracy, and all his commands are equally to be observed; for the breach of one renders a man guilty of all: and how a Magistrate can (in justice and righteousness) swear men to the observance of one command, more than to all the rest (without partiality) doth not to good conscience and right reason appear, except the honour and safety of Rulers, should be preferred before the glory of God.

V. Because the Ruler professing Christianity, and his Subjects also professing the same, it ought not to be supposed that that God (whom the true Christians worship) who hath by an instinct in nature obliged relations so firmly, that he hath never required any other security for the performance thereof, than that bond which he himself hath made; And would it not be accounted preposterous and absurd for to swear a Child to his Father, or a Wife (upon marriage) to her husband; and is it any whit less absurd and needless to swear a true Christian subject to a Christian King? seeing the Command of God no less requires Obedience to him, then to the other relations; and doth not this promise as much, or more belong to him that rules for God, as to any particular Christian, viz. Who shall harm you, if you follow that which is good? And will not God punish Rebellion as the sin of witchcraft, which is security sufficient for a Christian Prince? and therefore ought not to impose an Oath upon them, who cannot swear for conscience sake.

VI. Because an oath, in this case, hath been found by experience to be insufficient, as to answer the end for which it is given; and therefore, for the refusing of it (by true Christians as aforesaid, or those that cannot swear at all) ought not to make them liable to the penalty of the Statute; and to prove that it is not able to answer the end aforesaid: witness all tho't at any time, who have been found in rebellion against the King, who have they been but the Swearers, and Lyars, and Covenant breakers? so that their Oaths have been of no more use to them, than to beget a persuasion in themselves, that now their Prince is satisfied concerning their Loyalty, and they may plot with lesse suspicion; and so with Judas will cry, *Hail Master*, and kiss Him, that they may get their Rewards, and bring their Designs to pass.

VII. Because he that swears, is either a True man, or a false; if a True man, his Honesty without an Oath, engageth him to performance; but if a false man, he will swear, rather than forfeit his Liberty and Estate; and so his Oath doth but save himself, but is no security to the King; and it may easily be supposed, that he that will swear for his own advantage, only, will not refuse to plot, when he may do it, as he thinketh, for his own preferment, especially

especially considering, he that swears *Allegiance*, and yet proves a *Traitor*, is no more punished, then he that commits *Treason*, and swears not at all; and therefore seeing **SWEARING** cannot bind a *Knave*, and **GOODNESSE** will bind an *honest man*, what sound reason then can be given, why the *good man* should be so severely punished, onely, because he cannot swear at all?

VIII. Because the **OATH** of *Judges* and *Justices*, which is to doe equal Law and Execution of right to all the *Kings* loving Subjects; which Oath is not observed, except the Judge distinguish, and put a difference between them, who only refuse to swear, because all Oaths are forbidden, and those who refuse to swear because *Allegiance* is required; for the one likes not the thing sworn to, and the others owns the thing, but denies the Oath; and to punish him that denies to swear in the one sence, equally with him, who refuseth to swear in the other sence, is neither execution of equal law, nor right, and so not according to their Oaths aforesaid.

IX. Because that the *Kings* safety depends, not upon swearing, but upon performing the thing to which the Oath is required, and if that be given, or yielded, the end is answered, though there be no swearing at all; and therefore the penalty for not taking the Oath, ought not to be imposed upon them, who refuse to swear in conscience to an Oath, especially considering the Law hath provided another penalty for them, as in cases of high *Treason*, if guilty thereof; and to require two securities for one debt, seemes to be unreasonable, and is no lesse absurd, than for a man, who hath a just debt owing unto him upon a bond, which debt is proffered to be paid according to the contents of the bond, but will not be received (by the Creditor) except the person will first **SWEAR** to perform the same.

X. Because to punish so severely, as to the loss of *Liberty* and *Estate* for the refusal of a Ceremony (as it is called by the imposers thereof) and that denied out of conscience to Christs command, is contrary both to the nature and end of the law, which is to punish for offences; and therefore to stand upon the Letter or Ceremony, when the Truth and Substance thereof is answered, is to make the Law become cruell, to kill and destroy, and not mercifull to save; which is all one, as if a man should say, the Sun was only to scorch and burn, and not to warm nor give light; and as if the earth should be said only to bury, and not to bring forth increase.

XI. Because it hath been observed, by Statutes, as in the Stat. of the first of *Queen Mary*, that love and honesty binds stronger to *Kings* and *Governours*, than the severity of Laws, made with extreame pains and rigorous punishments, for not obeying their *Sovereign*, *Ruler* and *Governour*, &c. And therefore the Oath of Obedience, which was made by the **PARLIAMENT** (as in anger and hast) against the *Papists*, being provoked thereunto by the *Gunpowder Plot*, the occasion of making that Statute, &c. And therefore ought not (in the coole of the day) to be stood upon according to the formalities of it, the substance being kept to: Besides, in the third part of **COOK'S** Institutes, cap. 74. he saith, That there were certain poor Christians that had spoken against the worshipping of Images, In Justification of Gods Command (as many do now against swearing at all, because Christ hath forbid it) yet notwithstanding, then as now, those poor Christians were by the Bishops of that time, sworn to worship Images; which OATH, saith Cook,

Cook, was against the expresse Command of God, (and therefore ought not to have been imposed) And the Law of the Nation, because they had no warrant to minister the same: And if this was condemned in that day, and that by the Chief Justice of ENGLAND (who also is called the Oracle of the Law) it may well be hoped, that the like evil practice will not be justified in this time of greater light; although some plead for swearing NOW against Christ's command, as some did THEN for the worshipping of Images against Gods Command.

XII. Because, to take away mens Liberties and Estates, because they cannot swear at all, cannot be drawn into example for others, except to teach them to swear, which they are apt enough to do without example; for the Rule of the Law is, *Pena ad paucos ut moris ad omnes perveniat*; The punishment is to a few, that all may fear; which is not observed in this case, because the punishment for refusing to swear at all, cannot become an example to deter men from committing of Treason; and therefore the penalty aforesaid, ought not to be inflicted, as in the case of Cook's 3d part of Institutes, where he mentions a man committing Treason, if he prove not *Sanz Memoriz*, he shall not be called to answer; or if after judgement he becomes so, he shall not be executed: and the reason given by COOK, is, because it cannot be an example to others; which reason is much more true in the case in hand.

XIII. Because it was a Brand upon Jeroboam, the Son of Nebat, that he caused Israel to sin, which he did, by causing them to worship the Calves, at Dan, and Bethel, which he had set up, though under a plausible pretence (as may be seen by the story) yet notwithstanding their obeying his command, this thing was their sin: So in like manner would it be sin now in them, who cannot swear at all, because Christ hath commanded so, if they should take the Oath of Allegiance, or any other Oath which he hath forbidden.

XIV. Because the proceedings of the Ministers of the Law, are, and have been more Irregular in their apprehending and securing of those persons unto whom they tender the Oath, than their denial to take the Oaths may be deemed to be; because the former is against the very fundamental Lawes of Magna Charta, and the Possession of Right, with several other Lawes, that are expressely against the searching of mens houses, and securing of their persons by Soldiers or Armed men, in the times of peace; as also is signified by the Kings late Proclamation, where he saith, That for the future, such things shall not be practised; and if any do, they shall incur his displeasure, and be proceeded against according to Law; which is such an implication as amounts to an affirmation, that what hath been done hitherto in that kind, is contrary to Law; besides an error in the Foundation, is of more danger then in any other part of the building: but the latter (which are those that deny to take the Oath) is only against a law made in haste or anger, as aforesaid, and but against the Ceremony or *forma verbalis*, and not against *forma legalis* or substance of the said Law; and therefore by *lex talionis*, may by many degrees be better dispenced withall than the former.

XV. Because of the many differing judgements about Christs words, (swear not at all) which Ministers a strong ground of suspicion, that there

there is a confederacy among, and between those, who agree like Herod and Pilate, to destroy Christs words from being a command to forbid all swearing; and yet fall out about their opinions, when they come to get fairly rid of his words; for one saith, that Christs Words (not at all) are meant not swearing in ordinary communication, and so only extend to forbid profane and common swearing; which cannot be Christs intention, because that was forbidden in old time, as appeareth both by two instances, he nameth himself, as neither to forswear themselves, nor to swear, and not perform; and also when it was said, Thou shalt not take the Name of the Lord thy God in vain: But Christs words forbid that that was not forbidden in old time, as may be seen by the Anallegy of the place, (but I say unto you, &c.)

Others they find fault with the Greek word *ὅρκος*, and say it may rather signify commonly, frequently, altogether, &c. And so do not only blemish the Disciples of Christ, to whom he spake those words, as if they should be common or frequent swearers, but also cast dirt upon Christ himself, as if he would allow his disciples, or connive at their swearing sometimes in their communication, so they do it but seldom, or now and then, and not altogether, or commonly, and frequently: And so would rather expose Christ to be censured for his conniving at his disciples swearing sometimes in their Communication, if they do it not commonly, &c. then let the word (not at all) stand, though it better answers the Objectors sense, then any of his forced meanings; but then all swearing must be forbidden, which is a doctrine hard to be practised in suffering times, by those who love their ease, more than Christ; or else such might have known, that a mean Grecian may know that the word is translated right enough, and hath been so adjudged (by them who love swearing as well as this Objector) and better saves the Anallegy of the Text, then any of the other senses; and it will be hard for the Objector to find a Greek Word that so properly signifies, not at all, as the word in the Text: and therefore Christs words, not at all, may better stand than theirs, who have a mind to swear.

Others say by his words, not at all, are meant not swearing at all, by any creature, as the hair of the Head, or Temple, &c. But it is no more true than the former; because that Oath also was condemned in the old time, for they were to swear only by the living God: besides, He that swears by the Temple, swears by him that dwells therein, as saith Christ elsewhere; but if this meaning were true, the Oath they plead for would be made void, which is by or upon a book, which is made of creatures, as paper, and ink, and leather, &c. and by or upon the Evangelists, (according to their Oath) who were men and creatures: and so according to this interpretation such make them selves transgressors, by building again by their practise what they destroyed by their Opinions.

Others say, by not Swearing, at All, is meant only in the Church; but we may swear, when called to it by Rulers of the world, &c. and this is also as false as the rest, and these cannot clear themselves from a confederacy with them, to destroy Christs Doctrine; because that which is an offence in the Church, or in a corner, is aggravated, by being committed in the world, as upon the house top.

Others say, by not swearing at all, is meant, only concerning Christs condemning the false glosses, and sayings of the Pharisees, and not intended by him to straiten swearing from what it was in the old time: But this interpretation will not excuse these from a confederacy, withall the former, to destroy the simplicity of Christs doctrine; for it is evident by the context, that them of old time were the true Prophets and Servants of the Lord, as may be seen, Mat. 5. ver. 21. where it is said by them of old time, the Greek is, to them of old time; as may be seen upon the Margent of the Bibles, and so plainly intends those, to whom God spake, which was Moses and the true Prophets, not the false, as these confederates would make them: besides all these following instances which Christ mentions, being Gods commands given by Moses; as, *Thou shalt not kill*, one of Gods commands, but now is straitened by Christ, who saith, *He that is angry with his brother without a cause, shall be in danger of the judgement.* And Verse 27. where another Command saith, *Thou shalt not commit Adultery*; which is also straitened by Christ in these words, *But I say unto you, whosoever looketh upon a Woman, to lust after her, &c.* which other instances he gives, no more Pharisaical than these: by all which we may see the several exceptions named by Christ, and not left to mans will, viz. where the exception to be angry, is, *without a cause*; and the exception to the looking upon a woman, is, *to lust after her*; and the exception concerning Divorce, is, *saving for the cause of fornication.* And therefore seeing in all these cases the particular Exceptions are named, it may not be supposed, that he would have omitted it in the case of Swearing: if he had intended any at all. And therefore these Confederates thus differing in their Judgements, it may be easily concluded by a wise man, That there is more cause than bare suspicion, that these are agreed, and resolved, to frustrate Christs Command, whatsoever the consequences be: And therefore it is neither Reason nor Equity, that the Innocent should suffer by reason of the Confederates aforesaid; or have their Liberties and Estates taken away from them, because they are bold to assert Christs Doctrine, and dare not break his Commands, nor follow a multitude to do evill.

XVI. Because although Swearing were lawful in some cases that are just, yet it doth not follow, that a man may lawfully swear to every thing that a Magistrate requires an Oath; for that were to give him a liberty not only to call that just, which to him seemeth so; but also to affix an Oath unto it, which both layes a share before the Magistrate, of his being Arbitrary, and also of the Subjects being in danger of slavery: and therefore it is both equal and just, that those who plead for, and require Swearing, (upon great penalties) should be limited unto those presidents and cases in the Scriptures, which they themselves bring to prove the same, or else to cease the imposing thereof, lest they thereby become guilty of Christs Charge, by not only breaking his Command themselves, but forcing others so to do. And therefore if an Oath be required in those cases, for which we have neither President nor Example, (from that LAW-GIVER which is only able to save, and to destroy) the Refusers thereof, ought not to be compelled by Pains and Penalties, lest those be grieved, for whom Christ died, and the Magistrate take upon him to make that Just and Good, by his Command, which is not so in it self.

The End.

J. C.